

EXPRESS MAIL LABEL NO. EV 325783077US

PATENT APPLICATION
Docket No.: 2409.3273.3US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
	Geoffrey S. Martin et al.)	
Serial No.:	09/819,458)	
Filed:	March 27, 2001)	Art Unit
)	3763
For:	MULTIPLE LUMEN CATHETER)	
Examiner:	Kevin C. Sirmons)	

TRANSMITTAL FOR FIRST SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith pursuant to 37 C.F.R. § 1.97 for filing relative to the above-captioned United States patent application is a First Supplemental Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ☒ Statement of relevance of selected cited references not in the English language which are not translated.
- ☐ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ☐ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

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A. Additional Materials Required Due to Content of First Supplemental Information Disclosure Statement

Transmitted are the following documents in addition to the First Supplemental Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing thirty-nine (39) references submitted for consideration.
- ☒ Copies of thirty-nine (39) of the references listed on the Form PTO-1449.
- ☐ Specimens constituting _____ (___) of the references listed on the Form PTO-1449.
- ☐ English translations of _____ (___) of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 initialed by the Examiner; and
 - ☐ Form PTO-892.

B. Additional Materials Required Due to Timing of Filing of First Supplemental Information Disclosure Statement

The transmitted First Supplemental Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☐ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☒ Following the later of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed or authorized:

___ Promptness Certificate; or

X The submission fee set forth in 37 C.F.R. § 1.17 (p) in the amount of \$180.00 is one (1) of the following:

X Enclosed as part of Check No. 5653; or

___ To be paid from the deposit account of the undersigned as authorized in Section C below.

III. ___ After the mailing of a final Office Action or a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed or authorized:

___ Promptness Certificate; and

___ The petition fee set forth in 37 C.F.R. § 1.17(p) in the amount of \$180.00 is one (1) of the following:

___ Enclosed as Check No. ____; or

___ To be paid from the deposit account of the undersigned as authorized in Section C below.

IV. ___ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are enclosed or authorized:

___ To withdraw the above-captioned application from issue, the following are enclosed:

___ Petition to Withdraw from Issue; and

___ The petition fee set forth in 37 C.F.R. § 1.17(i)(l) in the amount of \$130.00 is one (1) of the following:

___ Enclosed as Check No. ____; or

___ To be paid from the deposit account of the undersigned as authorized in Section C below.

___ To proceed with further prosecution, the following are enclosed:

___ Request for Continued Examination; and

___ The fee for requesting continued examination set forth in 37 C.F.R. § 1.17(e) in the amount of _____ \$710.00 is one (1) of the following:

___ Enclosed as Check No. _____; or

___ To be paid from the deposit account of the undersigned as authorized in Section C below.

___ The submission fee set forth in 37 C.F.R. § 1.17(p) in the amount of \$180.00 is one (1) of the following:

___ Enclosed as Check No. _____; or

___ To be paid from the deposit account of the undersigned as authorized in Section C below.

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 20-1469.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

___ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e)

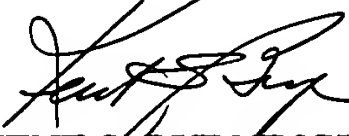
___ The submission fee set forth in 37 C.F.R. § 1.17(p).

___ The petition fee set forth in 37 C.F.R. § 1.17(i)(I).

X Copies in duplicate of this letter are enclosed.

DATED this 23rd day of January, 2004

Respectfully submitted,

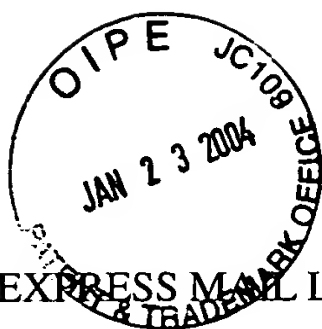

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FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. §§1.97 and 1.98(a)(1), transmitted herewith is a Form PTO-1449 containing a list of all patents, publications, or other references that have come to the attention of one or more of the individuals identified in 37 C.F.R. § 1.56(c) since the filing of the Information Disclosure Statement dated March 27, 2001, in this matter. While no representation is made that any of these references may be “prior art” within the meaning of that term under 35 U.S.C. § 102 or § 103, the transmitted list of references is disclosed in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56.

No representation is made that a specific search of office files or Patent Office records has been conducted, or that no better art exists. Nevertheless, the undersigned attorney of record believes that the transmitted references in combination with those previously submitted or previously

made of record by the Examiner constitute art that is the closest to the claimed invention taken in its entirety of which the undersigned is presently aware, and no art which is closer to the claimed invention taken in its entirety has been knowingly withheld.

The references listed on the transmitted Form PTO-1449 are below classified for the convenience of the Examiner in one of the following categories of references set forth for differing treatment in accordance with the subsections of 37 C.F.R. § 1.98.

I. NEWLY CITED ENGLISH LANGUAGE REFERENCES

The following of the references listed on the transmitted Form PTO-1449 are in the English language and have not to the knowledge of the undersigned attorney been previously submitted to or cited by the United States Patent and Trademark Office:

1. United States Patent Documents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
256,590	04/18/1882	Pfarre
701,075	05/27/1902	McCully
1,060,665	05/06/1913	Bell
1,596,754	08/17/1926	Moschelle
3,319,628	05/16/1967	Halligan
3,430,631	03/04/1969	Abramson

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United States Patent Documents (continued)

3,752,510	08/14/1973	Windischman et al.
4,000,739	01/04/1977	Stevens
4,014,333	03/29/1977	McIntyre
4,291,691	09/29/1981	Cabal et al.
4,323,065	04/06/1982	Kling
4,563,181	01/07/1986	Wijayaranthna et al.
4,596,564	06/24/1986	Spetzler et al.
4,682,978	07/28/1987	Martin
5,195,962	03/23/1993	Martin et al.
5,472,417	12/05/1995	Martin et al.
5,797,869	08/25/1998	Martin et al.
6,206,849	03/27/2001	Martin et al.

2. Foreign Patent Documents

<u>Document Number</u>	<u>Date</u>	<u>Country</u>
1,225,299	08/11/1987	Canada
1,216,205	01/06/1987	Canada
1,330,285	06/21/1994	Canada
117,093 A2	08/29/1984	Europe
117,093 B1	04/06/1988	Europe

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Foreign Patent Documents (continued)

<u>Document Number</u>	<u>Date</u>	<u>Country</u>
322,225 A2	06/28/1989	Europe
322,225 A3	05/2/1991	Europe
322,225 B1	02/05/1995	Europe
84/1197	09/26/1984	S. Africa

3. Other References

Communication Pursuant to Article 96(2) and Rule 51(2) EPC, issued in prosecution of European Patent No. 322,225 (July 23, 1993)

McIntosh, Henry D. et al., "Double Lumen Catheter For Use With Artificial Kidney," 169 J.A.M.A. 137-38 (February 21, 1995)

Shaldon, Stanley, et al., "Haemodialysis by Percutaneous Catheterization of the Femoral Artery and Vein With Regional Heparinisation," LANCET 857-59 (October 14, 1961)

Shaldon, Stanley, et al., "Refrigerated Femoral Venous-Venous Haemodialysis With Coil Preservation for Rehabilitation of Terminal Uraemic Patients," BRIT. MED. J. 1716-17 (June 29, 1963)

Seldinger, Sven Ivar, "Catheter Replacement of the Needle in Percutaneous Arteriography," presentation at Congress of Northern Association of Medical Radiology, Helsinki; (June 1952), published in 39 ACTA RADIOLOGIA 368-76 (1953)

Uldal, P.R. et al., "A Subclavian Cannula for Temporary Vascular Access for Hemodialysis of Plasmapheresis," presented at Clinical Dialysis and Transport Forum, New Orleans (November 1978), published in 8 DIALYSIS & TRANSPLANTATION 963-68 (October 1979)

Pursuant to 37 C.F.R. § 1.98(a)(2), a copy of each of the above-listed references is enclosed.

II. NEWLY CITED UNTRANSLATED REFERENCES NOT IN THE ENGLISH LANGUAGE

The following of the references listed on the transmitted Form PTO-1449 are not in the English language and have not to the knowledge of the undersigned attorney been previously submitted to or cited by the United States Patent and Trademark Office.

No English-language translation of the following references is, however, within the custody or confine or is readily available to any individual designated in 37 C.F.R. § 1.56(c).

Accordingly, pursuant to 37 C.F.R. § 1.98(a)(2), a copy of each of the references is enclosed, and a concise explanation of the relevance of each is also provided below.

French Patent No. 322,225 FR published March 24, 1995. This reference is the French part of European Patent No. 322,225 to Geoffrey S. Martin, et al., which is entitled "Triple Lumen Catheter."

German Patent No. 3,853,058 issued July 20, 1995. This reference is the German part of European Patent No. 322,225 to Geoffrey S. Martin et al., which is entitled "Triple Lumen Catheter."

Italian Patent No. 322,225 IT filed April 14, 1995. This reference is the Italian part of European Patent No. 322,225 to Geoffrey S. Martin et al., which is entitled "Triple Lumen Catheter."

Japanese Patent Publication No. 59-156353 published September 5, 1984. This reference corresponds to United States Patent No. 4,563,181 to Bandula Wijayarathna et al., which is entitled "Fused Flexible Tip Catheter."

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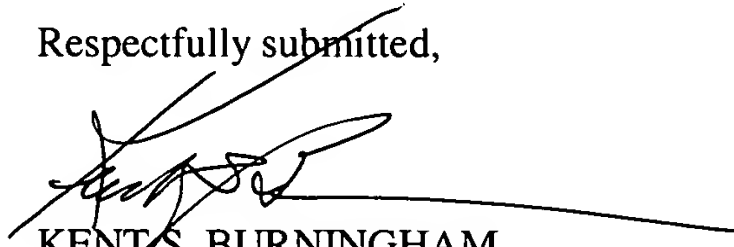
(continued)

Japanese Patent No. 2,832,722 issued October 2, 1998. This reference corresponds without claiming Paris Convention priority to Canadian Patent No. 1,330,285 to Geoffrey S. Martin et al., which is entitled, "Triple Lumen Catheter."

Spanish Patent No. 529,011 published October 1, 1984. This reference corresponds to United States Patent No. 4,563,181 to Bandula Wijayarathna et al., which is entitled "Fused Flexible Tip Catheter."

DATED this 23rd day of January, 2004.

Respectfully submitted,



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